

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GARY WILSON,
Plaintiff,

v.

FANNIE MAE, et al.,
Defendants.

Case No. [14-cv-02094-JD](#)

**ORDER REFERRING CASE TO ADR
UNIT FOR ASSESSMENT TELEPHONE
CONFERENCE**

The Court has reviewed the parties' stipulation and proposed order selecting mediation as their proposed Alternative Dispute Resolution (ADR) process. Dkt. No. 21. This action, however, is a foreclosure-related action in which the subject property does not appear to have been foreclosed upon, and this District's ADR Unit has substantial experience helping parties resolve their disputes in such cases.

Consequently, pursuant to Civil Local Rule 16-8 and ADR Local Rule 2-3, the Court refers this action to the ADR Unit for a telephone conference to assess in greater detail this case's suitability for mediation or a settlement conference. Plaintiff's and defendants' counsel will participate in a telephone conference, to be scheduled by the ADR Unit as soon as possible but no later than October 24, 2014.

Plaintiff's and defendants' counsel will be prepared to discuss the following subjects:

- (1) Identification and description of claims and alleged defects in loan documents.
- (2) Prospects for loan modification.
- (3) Prospects for settlement.

The parties need not submit written materials to the ADR Unit for the telephone conference.

1 In preparation for the telephone conference, plaintiff will do the following:

2 (1) Review relevant loan documents and investigate the claims to determine whether
3 they have merit.

4 (2) If plaintiff is seeking a loan modification to resolve all or some of the claims,
5 plaintiff will prepare a current, accurate financial statement and gather all of the information and
6 documents customarily needed to support a loan modification request. Further, plaintiff will
7 immediately notify defendants' counsel of the request for a loan modification.

8 (3) Provide counsel for defendants with information necessary to evaluate the
9 prospects for loan modification, in the form of a financial statement, worksheet or application
10 customarily used by financial institutions.

11 In preparation for the telephone conference, counsel for defendants will do the following:

12 (1) If defendants are unable or unwilling to do a loan modification after receiving
13 notice of Plaintiff's request, counsel for defendants will promptly notify plaintiff to that effect.

14 (2) Arrange for a representative of each defendant with full settlement authority to
15 participate in the telephone conference.

16 The ADR Unit will notify the parties of the date and time of the telephone conference.
17 After the telephone conference, the ADR Unit will advise the Court of its recommendation for
18 further ADR proceedings.

19 In the interim, the case management conference that was set for October 15, 2014 is
20 vacated. The Court will re-set a date for the case management conference after the parties'
21 participation in the telephone conference with the ADR Unit. The Court will also defer ruling on
22 the pending motion to dismiss until this process is complete.

23 **IT IS SO ORDERED.**

24 Dated: October 3, 2014

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27 JAMES DONATO
28 United States District Judge